

AMENDED IN SENATE AUGUST 20, 2010

AMENDED IN SENATE AUGUST 18, 2010

AMENDED IN SENATE JULY 15, 2010

AMENDED IN SENATE JUNE 28, 2010

AMENDED IN SENATE JUNE 14, 2010

AMENDED IN ASSEMBLY APRIL 27, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

## ASSEMBLY BILL

**No. 2036**

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**Introduced by Assembly Member Bill Berryhill**

February 17, 2010

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An act to add ~~Section~~ *Sections 10111.2 and 20103.7* to the Public Contract Code, relating to ~~local agency~~ *public* contracts, and declaring the urgency thereof, to take effect immediately.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2036, as amended, Bill Berryhill. ~~Local agency~~ *Public* contracts: contract document distribution.

Existing law, the *State Contract Act and the Local Agency Public Construction Act*, sets forth the procedures pursuant to which *state and* local agencies may solicit and evaluate bids or proposals for, and award, contracts for the construction of public works. *The State Contract Act requires a department, as defined, to comply with its provisions.*

This bill would require a *state department and a local agency to provide an electronic copy of a project's contract documents to contractor plan room service when requested and would also require a local agency taking bids for the construction of a public work or*

~~improvement to distribute contract documents, as specified, to a prospective bidder, subcontractor bidder, supplier, and contractor plan room service, as prescribed. The bill would also require the local agency to reimburse a design professional, as defined, for the actual costs of preparation and distribution of the contract documents.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 10111.2 is added to the Public Contract  
2     Code, to read:  
3     10111.2. A department shall, upon request from a contractor  
4     plan room service, provide an electronic copy of a project's  
5     contract documents at no charge to the contractor plan room.  
6     SECTION 1.—  
7     SEC. 2. Section 20103.7 is added to the Public Contract Code,  
8     to read:  
9     20103.7. (a) A local agency subject to this chapter taking bids  
10    for the construction of a public work or improvement shall  
11    distribute ~~a paper or~~ an electronic copy of the project's contract  
12    documents, including all drawings, plans, specifications, and  
13    estimated total costs of the proposed public improvement, at no  
14    charge to a ~~prospective bidder, subcontractor bidder, supplier, and~~  
15    contractor plan room service when requested by a contractor plan  
16    room service. ~~If a deposit is required as part of a paper contract~~  
17    ~~documents distribution policy by the local agency, the deposit shall~~  
18    ~~not exceed two hundred fifty dollars (\$250) per set, which shall~~  
19    ~~be refunded upon the return of the contract documents within 14~~  
20    ~~business days after the award of the project. If the contract~~  
21    ~~documents are not returned in 30 business days and in reusable~~

1 ~~condition, the deposit shall be forfeited.~~ The local agency shall  
2 reimburse a design professional for the actual costs of preparation  
3 and distribution of the contract documents.

4 (b) For the purposes of this section, “design professional”  
5 includes all of the following:

6 (1) An individual licensed as an architect pursuant to Chapter  
7 3 (commencing with Section 5500) of Division 3 of the Business  
8 and Professions Code, or a business entity offering architectural  
9 services in accordance with that chapter.

10 (2) An individual licensed as a landscape architect pursuant to  
11 Chapter 3.5 (commencing with Section 5615) of Division 3 of the  
12 Business and Professions Code, or a business entity offering  
13 landscape architectural services in accordance with that chapter.

14 (3) An individual registered as a professional engineer pursuant  
15 to Chapter 7 (commencing with Section 6700) of Division 3 of  
16 the Business and Professions Code, or a business entity offering  
17 professional engineering services in accordance with that chapter.

18 (4) An individual licensed as a professional land surveyor  
19 pursuant to Chapter 15 (commencing with Section 8700) of  
20 Division 3 of the Business and Professions Code, or a business  
21 entity offering professional land surveying services in accordance  
22 with that chapter.

23 ~~SEC. 2.—~~

24 *SEC. 3.* If the Commission on State Mandates determines that  
25 this act contains costs mandated by the state, reimbursement to  
26 local agencies and school districts for those costs shall be made  
27 pursuant to Part 7 (commencing with Section 17500) of Division  
28 4 of Title 2 of the Government Code.

29 ~~SEC. 3.—~~

30 *SEC. 4.* This act is an urgency statute necessary for the  
31 immediate preservation of the public peace, health, or safety within  
32 the meaning of Article IV of the Constitution and shall go into  
33 immediate effect. The facts constituting the necessity are:

34 Due to the current policy of many local agencies charging  
35 prospective bidders for a copy of the contract documents, many  
36 contractors are unable to afford to submit bids, which is having a  
37 dampening effect on competition by increasing the cost of building  
38 certain public works projects, and in order to address this matter

1 in a timely manner, it is necessary that this act take effect  
2 immediately.

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